



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,754	02/08/2001	Ellis W. Patrick III	08215-417001 / CHL-026064	4152

24504 7590 09/23/2002

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948

EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/778,754

Applicant(s)

PATRICK, ELLIS W.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-13, 15, 16 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 2, 17 and 26-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-5,7-10,12,13,15,16 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littman et al (5,803,585).

3. Littman discloses the claimed invention except for the adjustment mechanism being operable from the external surface of the housing. It would have been obvious to one of ordinary skill in the art to place an adjustment device on an exterior surface of a lighting mechanism, since applicant has not disclosed that having the adjustment mechanism operable from the external surface of the housing solves any stated problem or is for any particular purpose (applicant simply states that "the adjustment mechanism is operable from outside the external surface of the housing to move the reflector assembly within the interior compartment of the housing) and it appears that the invention would perform equally well with the adjustment mechanism of Littman which provides for a rotatably attached reflector assembly;

- The adjustment mechanism is attached to the reflector assembly ((fig 2, 46);
- The reflector assembly includes a frame and the adjustment mechanism is attached to the frame (16 fig 2)

Art Unit: 2875

- The frame is attached to the housing (nut located below 46);
- The attachment of the frame to the housing allows movement of the frame relative to the housing (figs 2 and 4);
- The attachment of the frame to the housing comprises a hinge (fig 2 and 4, hinge portion located at nut below ref numeral 46);
- The adjustment mechanism comprises a screw assembly (figs 2 and 4);
- The adjustment mechanism comprises more than one screw assembly configured to move the reflector assembly relative to the housing (figs 2 and 4);
- The screw assembly is rotatable to move the reflector (inherent);
- the reflector assembly includes a reflector configured to be attached to the reflector frame (figs 2 and 4, reflector frame provided within compartment 20);
- A light socket fixture positioned in the interior compartment of the housing (28)
- With regards to method claims 15, 16 and 18-24, since the prior art teaches the structural limitations of the instant invention, they are rejected based on the arguments shown above.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littman as applied to claim 1 above, and further in view of Urbaneck et al (4,277,818).

- With regards to the adjustment mechanism further comprises a swivel bolt and the housing and the reflector assembly are connected to the swivel bolt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an adjustment mechanism comprise a swivel bolt, since as shown

Art Unit: 2875

by Urbanek a swivel bolt is old and well known in the art to provide an adjustable mechanism, particularly in lighting fixtures.

***Allowable Subject Matter***

5. Claims 2,17 and 26-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 14 is allowed.

- The adjustable light fixture of claim 1 further comprising a channel through the housing connecting the interior compartment to the external surface of the housing, wherein the adjustment mechanism extends through the channel from the interior compartment to the external surface of the housing;
- the means for rotating the reflector relative to the housing comprises a screw extending through a wall of the housing;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

Application/Control Number: 09/778,754

Page 5

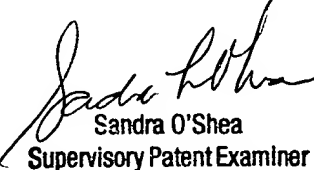
Art Unit: 2875

305-3431 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
September 19, 2002

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800